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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,207	06/06/2001	David Dunay		6080

7590

02/19/2002

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 02/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,207

Applicant(s)

DUNAY ET AL.

Examiner

Alfred Joseph Wujciak

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This is the first Office Action for the serial number 09/875,207, Flexible, Adjustable Support Apparatus, filed on 6/6/01.

Priority

Applicant's claim for domestic priority under 35 U.S.C. 119 (e) is acknowledged.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to because on Figure 2, the applicant needs to show the fastener with a hidden line when it is under the support loop. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 7 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3,197,830 to Hoadley.

Hoadley teaches a support device comprising a strap (10) having a fastener portion (12). A support portion (figure 2,a and e) having a channel (figure 2,b) formed in the strap. A first end (figure 1, c) has means for attaching the strap (col.2, lines 58-59) to an existing structure (figure 6). A second end (figure 1, d) has an aperture (18). The strap is made from a vinyl plastic (col. 1, lines 58-63), which is a flexible material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-11, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 3,197,830 to Hoadley in view of US Patent # 4,477,950 to Cisek et al.

Hoadley teaches a support device comprising a strap (10) having a fastener portion (12) with serrations (figure 1,d). A pair support members (figure 2,a and e) having a channel (figure 2,b) formed in the strap. A first end (figure 1, c) has means for attaching the strap (col.2, lines 58-59) to an existing structure (figure 6). Means for attaching is an aperture (34). A second end (figure 1, d) having means for receiving and lockingly engaging (18) the serrations of the fastener portion. The strap is made from a vinyl plastic (col. 1, lines 58-63), which is a flexible material.

Hoadley teaches the fastener portion having serrations but fails to teach the fastener portion having a plurality of serrations. Cisek et al. teaches a fastener portion (strap) (40) having plurality of serrations (41). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added plurality of serrations to Hoadley fastener portion as taught by Cisek et al. to provide variety size of diameter in the strap when forming a loop for securing a cylinder object.

Hoadley teaches means for receiving and engaging but fails to teach means for receiving and engaging is a flap member. Cisek et al. teaches means for receiving and engaging is a flap member (30). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added a flap member to Hoadley means for receiving and engaging as taught by Cisek et al. to provide an additional security for retaining the fastener portion.

In regard to claims 4 and 11, Hoadley in view of Cisek et al. teaches the fastener strap (portion), plurality of serrations, support strap member, aperture and flap means formed in the strap but fails to teach fastener straps (portion), plurality of serrations, support strap member, aperture and flap means are formed by die cutting. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have made the fastener strap (portion), plurality of serrations, support strap member, aperture and flap means formed by die cutting to provide alternative method for the manufacturing process.

In regards to claim 15, the specification and claims in Hoadley's patent can be used as a method for hanging and supporting an object from an existing structure.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 3,022,557 to Logan

US Patent # 3,471,109 to Meyer

US Patent # 4,466,159 to Burrage

US Patent # 2,936,980 to Rapata

US Patent # 5,522,571 to Simmons

US Patent # 5,745,958 to Kaldor


US Patent # 5,581,850 to Acker

US Patent # 4,235,404 to Kraus

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (703) 306-5994. This examiner uses a Text-Telephone –Device for the Deaf (TDD). Please first dial the Federal Relay Service at 1-800-877-8339 and give the operator the examiner's telephone number. The examiner can be reached through e-mail, the address is Joey.Wujciak@uspto.gov. The fax machine telephone number for the Technology Center is (703) 308-3519 or (703) 308-3636.


Joey Wujciak

February 11, 2002


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER